

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:20-cv-260-MOC

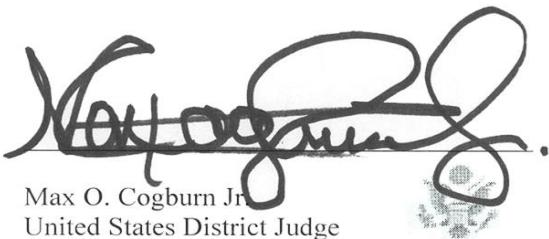
THIS MATTER is before the Court on Plaintiff's Motion for Attorney's Fees under the Social Security Act. (Doc. No. 22); see 42 U.S.C. § 406(b). Plaintiff's counsel seeks \$14,939.25 in fees. (*Id.*). Plaintiff's counsel filed a memorandum with attached exhibits in support of the motion. (Doc. No. 23).

The Government neither supports nor opposes the motion. (Doc. No. 24). Rather, the Government notes that “it is for the Court to decide if the request for attorney fees … is reasonable” and notes that “[when an attorney receives fees under both the Equal Access to Justice Act (EAJA) … and [the Social Security Act], the attorney must refund to the claimant the smaller amount between the amount awarded under [the Social Security Act] and any fee amount that previously was awarded under the EAJA.” (*Id.*, citing Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002)) (internal refs omitted). The Government notes that Plaintiff previously has been awarded attorney fees under the EAJA in the amount of \$6,600. (*Id.*).

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Attorney's Fees under the Social Security Act, (Doc. No. 22), is **GRANTED** and that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$14,939.25. **IT IS FURTHER ORDERED** that Plaintiff's counsel will refund to Plaintiff the smaller amount between this amount and any fee amount that previously was received under the EAJA.

Signed: July 28, 2022



Max O. Cogburn Jr.
United States District Judge